

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**JOHN DOE,**

**Plaintiff,**

**V.**

**VIRGINIA POLYTECHNIC INSTITUTE  
AND STATE UNIVERSITY, et al.,**

**Defendants.**

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**Case No. 7:21cv378**

**MOTION FOR LEAVE TO FILE BRIEF IN EXCESS OF TWENTY-FIVE PAGES**

COME NOW, defendants, by counsel, and hereby request leave to file a brief in support of their Motion to Dismiss Pursuant to Rule 12(b)(6) in excess of twenty-five pages. Plaintiff adds an additional claim in his Second Amended Complaint, and defendants' memorandum addresses multiple procedural and substantive hurdles that are dispositive of Plaintiff's claims that must be addressed lest defendants waive the argument. In addition, Plaintiff attempts to revive a claim previously thought to be voluntarily withdrawn that triggers the issue of qualified immunity as to defendant Cherry-Clarke. Finally, defendants have offered additional arguments for the Court's consideration and confirming why the case should be dismissed *with prejudice*. Given these circumstances and the significance of the issues at stake, defendants submit that good cause exists for permitting defendants to exceed the Court's twenty-five page limit for briefs.

WHEREFORE, defendants respectfully request that the Court enter an Order granting their Motion for Leave to File Brief in Excess of Twenty-Five Pages and granting such further relief as the Court deems just and proper.

Respectfully submitted,

VIRGINIA POLYTECHNIC INSTITUTE AND  
STATE UNIVERSITY, TIMOTHY SANDS, ALEXEY  
ONUFRIEV, and TAMARA CHERRY-CLARKE

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*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 9, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically send notification of such filing to all counsel of record.

/s/ Nathan H. Schnetzler  
Of Counsel

